NOTICES OF NEW BOOKS.

REPORTS OF CASES DETERMINED IN THE SUPREME COURT OF THE STATE OF ILLINOIS, at April Term 1861, and January Term 1862. By O. PECK, Counsellor at Law. Vol. XXVI. Chicago, Illinois. E. B. Myers.

The Reports of the State of Illinois, especially during the period of the present accomplished and faithful reporter, have acquired a very high reputation throughout the Union. The present volume seems to us fully equal to any of the preceding ones. In the essential and important particulars of brevity and point in the opinions of the judges, we have noticed a constant advance for some time, and now regard these reports as a model in that particular, well worthy of imitation.

The number of cases to be decided has so much increased of late everywhere, that it has become indispensable that no discussion be admitted into the reports not strictly pertinent to the questions determined. And while some of the reports have been prompt to apprehend this necessity, others have not seemed to comprehend it with equal readiness. The Illinois Reports are at present greatly in advance of most of the other states in that respect.

We have been surprised to find so many important questions, where the authorities are not referred to, and do not appear to have been consulted either by court or counsel, so ably and satisfactorily disposed of. We may refer to Roberts *vs.* The City of Chicago, p. 249, where the question arose in regard to the right of the municipal authorities to alter the grade of streets; and to Chicago, Burlington and Quincy Railway *vs.* Dewey, p. 255, where the different degrees of diligence required by either party, under given circumstances, are extensively discussed; as illustrative of what we have just said. The subject of malicious actions and prosecutions is correctly disposed of in Ross *vs.* Innis, p. 259, but the cases are not referred to. They will be found to be numerous. See Redfield on Railways 161, 330; 31 Verm. R. 181, and cases cited.

There are some anomalies in this volume explainable upon the ground, we presume, of local usage or special statute. For instance, revising the decisions of inferior Courts in regard to postponing a trial, upon writ of error and bill of exception. The Bishop Hill Colony *vs.* Edgerton, p. 54.

The revising and reversing a former decision of the same Court, on the same facts, in Smith *vs.* Moore, p. 292, is as creditable to the Court, as it is of uncommon occurrence, since it is evident the Court had been misled

in the first decision by a New York case, Raymond *vs.* White, 7 Cow. 321 But the case is not without precedent. It has been done more than once in the Supreme Judicial Court of Massachusetts, under the administration of one of the most enlightened jurists of the age. Blanchard *vs.* Page, 8 Gray's R. 281. We only say that such things are of uncommon occurrence, and not a little embarrassing to those minds who do not feel entirely sure of a firm hold upon public confidence. But when they do occur, they afford the most convincing evidence of the tribunal being more solicitous to do justice than to be highly esteemed by the mass of men, who are more likely to hold a man wise because he never yields an opinion, than because he always admits his liability to err, and sometimes gives the most convincing proof of it, by changing position.

There are some few decisions in this volume which strike us, at first blush, as questionable. In Sackett *vs.* Mansfield, p. 21, and Myers *vs.* Kinzie, p. 36, it is decided, that in deeds of general assignment for the benefit of creditors, to render them fraudulent as to other creditors, the assignee must have been conversant, and have concurred in the corrupt intent of the assignor. This is undoubtedly true of deeds of assignment to parties beneficially interested as creditors and purchasers. But in case of assignments to mere trustees, we question its application. "The intent of the assignor is the material consideration." Burrill on Assignments 421. See also Hildreth *vs.* Sands, 2 Johns. Ch. R. 42; Huguenin *vs.* Baseley, 14 Vesey 289, 290; Bridgman *vs.* Green, 2 Vesey 267; Wilmot's Opinions 58; Lord Redesdale in House of Lords, 1 Dow Rep. 70; The Mohawk Bank *vs.* Atwater, 2 Paige R. 54, which is precisely in point, to show that the fraudulent purpose of the grantee is not essential to avoid the deed, provided he have no beneficial interest.

The point is twice recognised that a demurrer to pleas in bar will not reach back to defects in the declaration, where there is also a plea of the general issue. This is new to us, and seems inconsistent with principle, but it may be sustained by authority. We doubt it. I. F. R.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT OF THE UNITED STATES, at December Term 1861. By J. S. BLACK, LL.D. Vol. I. Washington, D. C. W. H. & O. H. Morrison, 1862.

The appointment of Judge Black as Reporter to the Supreme Court of the United States, was one of those now rare occasions on which the merit of the postulant has surpassed the measure of the office. Of his great abilities there could be no doubt, and they had been exhibited in